



May 31, 2007

Senator Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

Subject: S. 849 – Freedom of Information Act amendments

Dear Senator Reid:

The Open Society Policy Center, a nonpartisan advocacy organization that is involved in advancing human rights and civil liberties both in the United States and abroad, strongly supports your scheduling early Senate action on S. 849, the OPEN Government Act. S. 849 was reported favorably from the Senate Judiciary Committee a month ago and enjoys widespread support among a broad cross-section of groups who share a commitment to government transparency and accountability.

While there may well be some problems of government administration that are simply intractable, the failure of many agencies to administer the Freedom of Information Act (FOIA) efficiently and consistent with congressionally established deadlines is not one of them. Many of the provisions of S. 849 – involving, for example, imposition of consequences for unwarranted delays, requirement of a tracking system for requesters, and reporting requirements – are aimed at speeding agency handling of requests. Other sections – clarifying that attorney's fees may be awarded when lawsuits are responsible for agency disclosures and that agency records maintained under contract by a private entity are subject to FOIA – are responsive to developments in the courts and agencies that have undermined the effectiveness of the statute. And the establishment of an Office of Government Information Services would aid both agencies and the public in avoiding litigation and identifying areas for improvement in administration of the law.

The United States has been a leader in government openness; over 60 nations have followed our lead with systems that are based on and build on our FOIA. Yet that statute needs to be refined and modified to work effectively in the 21st Century. S. 849 provides an opportunity for the Senate to embrace legislation supported by businesses, public interest groups, and the media that would meet these objectives.

A handwritten signature in black ink, appearing to read "Mort Halperin", is written over a light gray, textured rectangular background.

Morton H. Halperin
Executive Director
Open Society Policy Center

cc: Senator Mitch McConnell